law she did not acquire Turkish nationality. By French law, "a French woman marrying an alien follows the nationality of her husband, unless her marriage does not confer upon her the nationality of her husband," in which case she remains French. *Held,* that the woman remained French. *Kaaki v. Préfet de police* (July 18, 1918) *Tribunal civil de la Seine* (1919) 46 Clunet, 322.

In a similar situation an American woman would find herself in a difficult case, for sec. 3 of the law of March 2, 1907 imposes the husband's nationality upon her without the desirable French limitation that she acquire his nationality according to his national law. The French limitation is also found in the law of Mexico, Act of May 28, 1886, art. 2, sec. 4; Belgium, Act of June 8, 1909, art. 11, 102 St. Pap. 182; Italy, Civil Code, art. 14; Portugal, Civil Code, art. 22, sec. 4; Costa Rica, law of Dec. 21, 1886, art. 4, sec. 5; Venezuela, Civil Code, art. 19. Inasmuch as certain countries, such as Brazil, do not confer the husband's nationality on his alien wife, an American woman marrying such an alien would find herself endowed with her husband's nationality in the United States but not in her husband's country or else without any nationality. The Act of March 2, 1907, should be amended so as to embody the limitation of the French statute and similar statutes.

CONSTITUTIONAL LAW—DUE PROCESS—AMENDMENT OF STATUTE OF LIMITATIONS AFTER LIMITATION PERIOD HAS EXPIRED.—A suit upon a contract of indemnity was brought in a federal court in 1904, and was dismissed for lack of jurisdiction in 1912, judgment being affirmed on appeal in 1915. In 1910, but after the limitation period had passed, suit on the same cause was commenced in the state court. In 1913, 1915 and 1917 the Connecticut legislature passed amendments to the limitation statute, so that under the last amendment (and possibly under the others), suit might be brought in the state court within one year after dismissal for jurisdictional defects of a suit upon the same cause brought in the federal court. It was conceded that the amendment was intended to apply to the suit brought in 1910. *Held,* that the amendment did not violate the due process clause of the federal constitution since the statute affected only the remedy in the case of a contract unlike the case of real or personal property, where title vested upon the expiration of the limitation period. *Gilbert v. Selleck* (1919, Conn.) 106 Atl. 439.

See COMMENTS, *supra,* p. 91.

CORPORATIONS—MUNICIPAL CORPORATIONS—LIABILITY FOR TORT—GOVERNMENTAL FUNCTION.—The defendant city maintained a large wooden box on the street as a receptacle for trash and waste paper. The employee of the city who collected the contents of the box left the lid open and thrown back, extending about one foot over the sidewalk. The plaintiff, walking on the street, was struck in the eye. *Held,* that the city was liable. *Savannah v. Jones* (1919, Ga.) 99 S. E. 294.

In this case, the act negligently performed was in the interest of the public health, a governmental function. The city was held to be under a duty to keep the lid in its proper place and was liable for injuries resulting from a breach of this duty. For a discussion of a similar duty with respect to obstructions in the street, see *supra,* p. 117.

CORPORATIONS—PRIVATE CORPORATIONS—PURCHASE OF ITS OWN STOCK.—A bill was filed in equity by interveners claiming priority over the bondholders of an insolvent corporation. The bonds in question were issued to pay for the corporation's own stock which it had taken up. The mortgage security for the

bonds recited the condition on which they were issued and was recorded before the interveners became creditors of the corporation. *Held*, that the interveners were creditors with notice and could not claim priority over the bondholders. *First Trust Co. v. Illinois Cent. R. Co.* (1919, C. C. A. 8th) 256 Fed. 830.

This decision conforms to the American rule that corporations have the implied power to acquire their own stock in good faith and without injury to creditors or minority stock holders. See an illuminating article discussing both the American doctrine and the English rule which is *contra*. (1915) 24 YALE LAW JOURNAL, 177.

CORPORATIONS—PRIVATE CORPORATIONS—REINSTATEMENT AFTER FORFEITURE—LIABILITY OF DIRECTORS.—A New Jersey corporation failed to pay a certain tax for two successive years and in accordance with a state statute the Governor proclaimed that it had forfeited all powers conferred upon it by law. The corporation continued to do business and purported to enter into a contract with the plaintiff. The Governor later reinstated the corporation under authority of another statute. The plaintiffs sought to hold the defendants, directors of the corporation, personally liable on the contract made during the *interim* between proclamations of forfeiture and reinstatement. They contended that the corporation was not existent during this time. *Held* (Rogers, J. *dissenting*), that the corporation was at least *de facto* during the period before reinstatement, as otherwise the act of the Governor would have been an attempt to *create* a new corporation, which was beyond the intent and power of the legislature. *Held v. Crosthwaite* (C. C. A. 2d) Oct. Term, 1918, July, 1919.

For a discussion of this case and the principles involved in which conclusions are reached in accord with the majority of the court, see (1919) 28 YALE LAW JOURNAL, 604.

CRIMINAL LAW—NEW TRIAL—DISORDER AND EXCITEMENT.—The accused, a negro, was on trial for rape. Before the conclusion of the trial, while he was being taken from the courthouse to jail, a large and menacing crowd attempted to capture him and during the night renewed their efforts by attacking the jail. Prompted by fear and the immediate danger of being lynched, the accused escaped and was not captured until two days later. Although court was adjourned in the *interim*, the jury were kept together and the trial was resumed upon the re-arrest. It was deemed necessary to guard the courthouse with state militia and several hundred volunteer deputy sheriffs, through a picket line of whom the jury passed upon entering and leaving the court-room. The refusal of the trial court to grant the motion of counsel for the accused for a continuance was assigned as error. *Held*, that the refusal of the court to grant the motion constituted an abuse of discretion, as the facts disclosed an atmosphere and environment incompatible with the right to a fair and impartial trial. *Fountain v. State* (1919, Md.) 107 Atl. 554.

The decision is certainly sound in principle and serves to strengthen one's faith in law administered by courts unshaken by public clamor. *People v. Fleming* (1913) 166 Calif. 357, 136 Pac. 291; *Capps v. State* (1913) 109 Ark. 193, 159 S. W. 193; *State v. Weldon* (1912) 91 S. C. 29, 74 S. E. 43. Unhappily, a ready recognition of the true principle does not always betoken the correct result. *Cf. Frank v. State* (1914) 142 Ga. 741, 83 S. E. 645.

DAMAGES—"DUTY" TO MITIGATE.—The plaintiff sold flour to the defendant, a baker. The defendant found the flour to be bad, but used it to supply the daily